

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1 and 5-14 are now present in the application. Claims 2-4 have been cancelled. Claims 9-14 have been withdrawn from consideration. Claim 1 has been amended. Claims 1, 9, 11 and 13 are independent. Reconsideration of this application, as amended, is respectfully requested.

Claim Rejections Under 35 U.S.C. §§ 102 & 103

Claims 1 and 5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rutledge, U.S. Patent No. 4,053,964. Claims 6, 7, 8/1, 8/5 and 8/6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rutledge in view of Fehmerling, U.S. Patent No. 3,513,071. Claims 8/1 and 8/5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rutledge in view of Trelease, U.S. Patent No. 3,773,962. These rejections are respectfully traversed.

In light of the foregoing amendments to the claims, Applicants respectfully submit that these rejections have been obviated and/or rendered moot. As the Examiner will note, independent claim 1 has been amended to recite "subjecting said intact shell to at least one freeze-thaw cycle to raise the temperature of the raw edible crustacean meat to a temperature in the range of 4°C to 12°C; or" "subjecting said intact shell to at least one freeze-thaw cycle, wherein said thawing is accomplished at a temperature range of 1°C to 10°C in cold water, or in a cold dilute solution of brine; or" "subjecting said intact shell to the action of a superchilled ice/salt mixture at a maximum low temperature of the eutectic temperature". Support for the above amendments to claim 1 can be found on page 38, lines 25-27. Applicants respectfully submit that the above recitation as set forth

in amended independent claim 1 is not disclosed nor suggested by the references relied on by the Examiner.

Applicants respectfully disagree with the Examiner's assertion that Rutledge teaches claim 1 of the instant application. In particular Rutledge, in col. 2, lines 3-28, states:

The live crabs are first frozen. The freezing step may be either by conventional "quick freezing" techniques or by merely placing the crabs in a standard freezer compartment...

After the crabs have been frozen and are ready for further processing they are thawed. This thawing can be accomplished by simply leaving the crabs out at room temperature. If this is done, care must be taken not to let the meat remain in unthawed condition too long in order to avoid any spoilage of the meat. It is important that the meat not be either partially cooked or cooked during the thawing step. Therefore, the meat should not be thawed by exposing it to hot water or steam for any period of time which would even partially cook the meat. After thawing the uncooked meat in the shell it is ready to be treated by any of the conventional meat extraction processes, except that no cooking of the meat is allowed until after the meat has been removed from the shell.

However, no other teachings of any step prior to an extraction step are made in the Rutledge reference. On the other hand, independent claim 1 requires:

initiating the detachment of said raw edible crustacean meat from said intact shell by the step of:

- (i) subjecting said intact shell to at least one freeze-thaw cycle to raise the temperature of the raw edible crustacean meat to a temperature in the range of 4°C to 12°C; or
- (ii) subjecting said intact shell to at least one freeze-thaw cycle, wherein said thawing is accomplished at a temperature range of 1°C to 10°C in cold water, or in a cold dilute solution of brine; or
- (iii) subjecting said intact shell to the action of a superchilled ice/salt mixture at a maximum low temperature of the eutectic temperature...

It is clear that Rutledge fails to teach any of the above steps. In particular, Rutledge fails to disclose thawing until a temperature between 4°C and 12°C (but instead teaches room temperature thawing), thawing in cold water or a dilute solution of brine, or the use of a

superchilled ice/salt mixture at a maximum low temperature of the eutectic temperature. Although Rutledge discloses freezing and thawing, it nowhere teaches the any of the above steps of claim 1.

With regard to the Examiner reliance on Fehmerling, the Examiner alleged that there is no patentable distinction between the thawing temperature of 12°C (53.6°F) of claim 1 and 58°F disclosed in Fehmerling. Applicants respectfully disagree.

First, the temperature range recited in claim 1 is 4°C to 12°C, which is not disclosed in Fehmerling. Second, since the thawing temperature will affect the quality of the crustacean meat, a higher temperature may affect the final product of the crustacean meat. Third, although Fehmerling discloses thawing shrimp in tap water at 58°F, this temperature is the temperature of the tap water, not the temperature of the shrimp meat. Therefore, Fehmerling fails to teach “raise the temperature of the raw edible crustacean meat to a temperature in the range of 4°C to 12°C”.

In addition, claim 1 is directed to the extraction of meat from hard-shelled crustaceans and claim 5 specifically is directed to various types of lobster and crab. However, Fehmerling’s teachings are directed to shrimp and clams. One skilled in the art seeking for an improvement to Rutledge would not have been drawn to consult Fehmerling’s teachings directed to how to peel a shrimp. The problems faced in extracting the meat from crab and lobster are different in nature than the problems of peeling shrimp due to the fact that lobster and crab have a much harder carapace. Therefore, one skilled in the art would not have the motivation to modify Rutledge in view of Fehmerling.

With regard to the Examiner's reliance on Trelease, this reference has only been relied on for its teachings related to the subject matter of dependent claims. This reference also fails to disclose the above recitation as set forth in amended independent claim 1. Accordingly, this reference fails to cure the deficiencies of Rutledge.

Accordingly, none of the references utilized by the Examiner individually or in combination teach or suggest the limitations of amended independent claim 1 or its dependent claims. Therefore, Applicants respectfully submit that claim 1 and its dependent claims clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

CONCLUSION

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

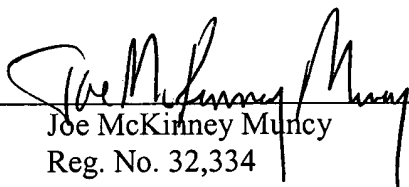
In the event there are any matters remaining in this application, the Examiner is invited to contact Joe McKinney Muncy, Registration No. 32,334 at (703) 205-8000 in the Washington, D.C. area.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$120.00 is attached herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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